

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3

4 CAM EASH,

Petitioner,

5 v.  
6

7 WILLIAM GITTERE, *et al.*,

8 Respondents.  
9

Case No. 3:19-cv-00488-LRH-CBC

**ORDER**

10 This case is a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by  
11 Cam Eash, a prisoner at Nevada's Ely State Prison. On August 14, 2019, Eash filed his habeas  
12 corpus petition (ECF No. 1-1), along with an application to proceed *in forma pauperis* (ECF  
13 No. 1), and a motion for appointment of counsel (ECF No. 1-2). On August 15, 2019, the Court  
14 denied the application to proceed *in forma pauperis* and ordered Eash to either file a new  
15 *in forma pauperis* application or pay the filing fee for this action (ECF No. 3). Eash then paid the  
16 filing fee on September 9, 2019 (ECF No. 4). Therefore, the Court has reviewed Eash's habeas  
17 petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States  
18 District Courts. The Court will direct the Clerk of the Court to serve the petition upon the  
19 Respondents and will require a response.

20 Eash filed, with his petition, a motion for appointment of counsel (ECF No. 1-2).  
21 "Indigent state prisoners applying for habeas corpus relief are not entitled to appointed counsel  
22 unless the circumstances of a particular case indicate that appointed counsel is necessary to  
23 prevent due process violations." *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986) (citing  
24 *Kreiling v. Field*, 431 F.2d 638, 640 (9th Cir. 1970) (per curiam). The court may, however,  
25 appoint counsel at any stage of the proceedings "if the interests of justice so require." *See* 18  
26 U.S.C. § 3006A; *see also* Rule 8(c), Rules Governing § 2254 Cases; *Chaney*, 801 F.2d at 1196.  
27 The Court determines that appointment of counsel is unwarranted in this case at this time. The  
28 motion for appointment of counsel will be denied.

1           **IT IS THEREFORE ORDERED** that the Clerk of the Court is directed to separately  
2 file the petition for writ of habeas corpus and the motion for appointment of counsel, which are  
3 currently attached to the *in forma pauperis* application at ECF Nos. 1-1 and 1-2.


4           **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to add  
5 Aaron D. Ford, Attorney General of the State of Nevada, as counsel for Respondents.

6           **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to electronically  
7 serve upon Respondents a copy of the petition for writ of habeas corpus and a copy of this order.

8           **IT IS FURTHER ORDERED** that Respondents will have 60 days from the date on  
9 which the petition is served upon them to appear in this action, and to answer or otherwise  
10 respond to the petition. If Respondents file an answer, Petitioner will have sixty 60 days to file a  
11 reply to the answer. If Respondents file a motion to dismiss, Petitioner will have sixty 60 days to  
12 file a response to the motion to dismiss, and then Respondents will have thirty 30 days to file a  
13 reply to Petitioner's response.

14           **IT IS FURTHER ORDERED** that Petitioner's motion for appointment of counsel is  
15 denied.

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17           DATED this 10th day of September, 2019.

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20 LARRY R. HICKS,  
21 UNITED STATES DISTRICT JUDGE  
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